

In re Morel, J. L.

REMARKS

The Examiner is thanked for the official action of July 2, 2004. This Amendment and Request for Reconsideration is intended to be fully responsive thereto.

The drawings were objected to for failing to show every featured of the invention specified in the claims. Claims 1 has been amended to eliminate the recitation of the features asserted to be void in the drawings thus mooted the issue.

Claims 1-11 were rejected under 35 U.S.C. 112, second paragraph for containing indefinite language. Claim 1, 3, 5 & 8-9 have been amended in accordance with the Examiner's comments and are now believed to be in conformance with 35 U.S.C. 112. No new matter has been added. Claim 10 is produced in clean form.

Claims 1-11 were rejected under 35 U.S.C. 103(a) as being unpatenable over Albrecht '508 in view of Sagstetter '678 in further view of Ojala '883. Applicant respectfully disagrees.

It is first noted that the Examiner has gathered three separate references in an attempt to piecemeal reconstruct Applicant's invention. Such efforts are clearly based upon improper hindsight. Ore significantly, the prior art fails to disclose a modular assembly having a crosspiece under tension connecting adjacent panels. None of the applied references teaches a structure formed of a plurality of panels utilizing a crossbeam or tie rods acting to clamp the

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panels against one another.

Albrecht discloses nothing more than a panel disposed within frames 30. Top caps 32 fail to even engage adjacent panels and clearly fail to clamp adjacent panels against each other. Ojala, fails to disclose such crosspieces/tie rods as well. Ojala discloses nothing more than conventional panels each secured directly to a substructure timber frame. Sagstetter discloses nothing more than a material to form fiberboard.

Because the prior art fails to disclose a structure having a plurality of modular panels connected by a crosspiece under tension, any rejection of claims 1-11 under 35 U.S.C. 103 is improper.

In view of the above amendment, it is respectfully submitted that the pending claims 1-13 define the invention over the prior art of record and notice to that affect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution, he is invited to contact the undersigned at the number listed below.

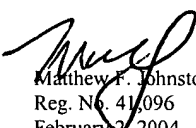
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, On February 2, 2004


Matthew F. Johnston
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February 2, 2004